Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Application by SBC Communications Inc, Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region InterLATA Services in Texas	)	CC Docket No. 00-4

AFFIDAVIT OF JESSICA LEWANDOWSKI

1. My name is Jessica Lewandowski. I am a Senior Manager, LEC Relations, for NorthPoint Communications, Inc. My business address is 303 Second Street, San Francisco, CA 94107.

2. I am responsible for managing all NorthPoint interactions with Southwestern Bell, Pacific Bell, Nevada Bell and GTE. I work closely with the Southwestern Bell Local Provider Account Team assigned to NorthPoint and other Southwestern Bell wholesale services representatives. I am responsible for developing NorthPoint's methods and procedures for the preordering, ordering and provisioning of unbundled network element orders to Southwestern Bell, including DSL-capable loops. I work closely with NorthPoint's service order and provisioning teams to train them on new Southwestern Bell processes and to facilitate any issue escalation.

3. As a result of my daily responsibilities, I have personal knowledge of both the NorthPoint and Southwestern Bell Telephone (SWBT) preordering, ordering and provisioning processes for unbundled network elements, and know well NorthPoint's prior and current experience in Texas. In my daily business experience with NorthPoint

and SWBT interactions. I have personal knowledge of the matters stated herein, except for those items about which I am informed and believe to be true. If called upon to testify to these matters I could and would competently do so.

4. In this affidavit I will discuss SWBT's current ordering and provisioning process for unbundled DSL-capable loops. I will then explain some of the challenges NorthPoint has experienced with the ordering process and provide examples of the impact of these problems on NorthPoint end users. I will then discuss how NorthPoint's experience contrasts with SWBT's claims in its application for long distance authority and provide some insight into the current discussions between NorthPoint and SWBT to correct many of the problems NorthPoint has been experiencing.

5. NorthPoint entered into an interconnection agreement with SWBT in Texas on October 20, 1998. At the time, despite the August 1998 Commission Order requiring Incumbent LECs to make available all-copper DSL-capable loops for the provision of advanced services, SWBT had no such UNE product available. As a result, between October 1998 and September 1999, NorthPoint was constrained to provision its SDSL services on unbundled ISDN loops ordered from SWBT. After repeated requests dating back to April, 1999, in September 1999, NorthPoint entered into an agreement with SWBT that included an unbundled DSL-capable loops in Texas. During late September 1999 and early October 1999, I worked with the NorthPoint-SWBT account team and other SWBT wholesale personnel to provide NorthPoint's input into an ordering system for DSL-capable loops. Until the end of October, the new DSL-capable loop product offered by SWBT was not provisioned through the existing Operational Support Systems, but was provisioned by an entirely manual, fax-based process. As of

October 25, 1999, SWBT added the capability to place orders for DSL-capable loops to the LEX system.[1] Since they became available, NorthPoint has submitted LSRs (Local Service Requests) for approximately 1000 DSL-capable loops in 1999.

6. The current ordering process with SWBT follows these steps:

- NorthPoint's first step in the order process is to verify the end user address in SWBT's Verigate system. After NorthPoint validates the address in Verigate, it requests prequalification information from SWBT on each loop. NorthPoint uses the prequalification tool as a way to double check NorthPoint's own prequalification data and to try and learn at the earliest possible point in the ordering process whether this loop will meet the end user's needs;
- NorthPoint then submits an LSR through LEX, with a designated PSD mask for the DSL service it intends to place on the loop. SWBT has required that NorthPoint order each DSL-capable loop by entering an order code that reflects a permutation of the loop-type, service to be delivered, speed, and loop length. This is unique to SWBT and is the most cumbersome ordering system in the nation;
- SWBT receives the LSR and re-keys the order into its SORD ordering system. The LSR may be rejected at this point for problems with addresses, improper coding or other bad information on the LSR, attributable either to NorthPoint errors or to errors in the manual re-keying process that infects every order;
- Once SWBT "accepts" NorthPoint's LSR, SWBT performs a mandatory loop qualification on the order. The qualification process requires a technician to review SWBT records, electronic or paper, to assess the condition of the loop and its suitability to provide advanced services. This process has a standard 3-5 business day interval;
- SWBT returns the loop qualification information to NorthPoint via fax or email. This information is <u>not</u> provided through the available GUI, and accordingly must be cross-referenced to the order number in the separate system. This process is becoming an increasing challenge as we increase dramatically the number of loop orders, and likely will not be sustainable as we approach volumes like those we process in Bell Atlantic – New York;
- As a result of the loop qualification, SWBT returns a determination about the suitability of the loop for the CLEC's desired service. The order may be rejected if the loop is too long for the DSL service NorthPoint will be placing on that loop, the loop needs conditioning, or if the loop is on fiber. If the loop

[1] LEX is a front-end Graphical User Interface that accepts NorthPoint Local Service Requests ("LSR") and provides NorthPoint with Firm Order Confirmations and jeopardy notices of orders.

is rejected, NorthPoint must supplement its order for the end-user subscriber or modify its service plans;

- If the order is not rejected, NorthPoint receives a Firm Order confirmation ("FOC"), with an installation date for the loop order. This FOC is required to be provided to NorthPoint back through the LEX system within 24 hours after loop qualification is complete;
- NorthPoint's loop order is required to be provisioned within 5-7 business days[2] from completion of loop qualification, or 8-12 days from acceptance of NorthPoint's LSR. If the loop needs conditioning, the interval is 15 business days (or 3 weeks), the longest interval in the nation.

7. This complicated, largely manual process causes problems for both NorthPoint and SWBT. It has been my experience that a large amount of NorthPoint's orders for DSL-capable loops, over 50%, have problems in the preordering, ordering or provisioning process. While we have been working with SWBT to address many of NorthPoint's concerns, NorthPoint has only seen limited results to date. NorthPoint continues to experience the following problems:

- SWBT's loop prequalification and qualification databases are often inaccurate
- SWBT often misses the 3-5 day installation interval for loop qualification and firm order confirmations, sometimes not providing loop makeup data at all
- NorthPoint's orders are often rejected for invalid reasons include typographical errors due to the manual nature of the ordering process, erroneous determinations that a loop is served only on fiber and SWBT-specific criteria such as loop length
- SWBT unilaterally changes the installation date on NorthPoint loop orders without NorthPoint approval and without notifying NorthPoint
- SWBT misses the five to seven day loop installation window

8. I will discuss each of these problems in more detail and provide examples of the impact of these problems below.

SWBT's loop prequalification and qualification databases are often inaccurate

[2] SWBT recently changed this interval to 5 business days, see Attachment 1 to this Affidavit.

9. NorthPoint relies heavily on the data received through both the loop prequalification and loop qualification databases for communication with its end user customers, service determinations and internal processes. NorthPoint uses SWBT's loop prequalification and qualification databases for every order. The prequalification database is a real-time, mechanized database that provides NorthPoint with a theoretical loop length for a customer premises, a calculated likelihood that the loop is served by fiber and a Red/Yellow/Green designation based on ADSL service criteria. This database allows NorthPoint to give the customer an initial indication of whether service will be available in that area and generally what range of transmission speed that customer may receive.

10. As discussed above, following the pre-order loop prequalification, NorthPoint places the loop order with an LSR. Every NorthPoint loop order must go through loop qualification.[3] The request for loop qualification goes to SWBT's loop plant engineers, who indicate the actual loop length of a loop serving NorthPoint's end user premises, the loop gauge by segments, copper/fiber designation, presence of load coils, bridge tap, repeaters or DAMLs and presence of disturbers. SWBT then returns the loop qualification, with loop makeup information back to NorthPoint. If the loop needs conditioning, is too long for the designated DSL service type, or is served by fiber,

[3] Southwestern Bell recently proposed allowing CLEC orders on loops below 12Kft to skip the loop qualification process. See Chapman ¶15 and Attachment 1 to this Affidavit.

SWBT will reject the loop order and NorthPoint will have to accept conditioning, reject SWBT's recommendations or cancel the order. [4]

11. Despite the fact that NorthPoint must rely on the information from these loop databases, NorthPoint has found the data inherently unreliable. For example, the prequalification database will indicate that an end user's loop is served by copper and NorthPoint tells its customer that it can offer service. SWBT subsequently corrects itself to say that the loops serving that neighborhood are only fiber, thereby preventing NorthPoint from offering its higher speed services. Occasionally the opposite will happen where the prequalification database shows a loop is served by fiber, we send the order through for a slower speed service and the loop qualification will show that copper was available.

12. Loop qualification is also known to be wrong. For example, the loop qualification will indicate that a loop needs conditioning. After the delay of having the order rejected and NorthPoint then supplementing the order to approve the conditioning, the SWBT technician will go out into the loop plant, only to find that the loop did not need conditioning. Another possibility is the loop qualification will show the loop is on copper, but when the technician goes out to provision the loop, there is only fiber. Other surprises in the field can include no available loop facility, copper or fiber, or broken facilities. This is after the loop qualification indicated NorthPoint's service could be provisioned. This misinformation forces NorthPoint to disappoint customer expectations and damage the customer relationship. As a wholesale provider, this pattern of

[4] Southwestern Bell has recently implemented a policy that allows NorthPoint to put a code on the LSR to tell Southwestern Bell up front that it will take the loop "as is"

misinformation is especially damaging because it not only causes the wholesale customer to question NorthPoint's ability to properly provision DSL for one end user, but for all future DSL orders from that wholesale customer.

13. Several examples of the ramifications of these inaccuracies are described below. NorthPoint Purchase Order Number W43653 (Carrier Order Number C346108HO - Houston) – had to be placed twice to get a circuit delivered by SWBT. On the first attempt (PONW34803 ordered on 11/16/99) SWBT advised NorthPoint that it could not deliver the circuit, because the feeder loop for the customer premises was inaccessible. Although not a standard practice, NorthPoint decided to try to resubmit the order for the same exact customer premises. On December 7, NorthPoint ordered service at this address again (Purchase Order Number W43653) and this second time, the circuit was completed by SWBT on 12/17/99 without any mention of the previous issue. Unfortunately, from the end user's perspective, it had to wait a month for DSL service.

14. Three different NorthPoint orders, (PONS W24303, W25067, and W33865) all had loop qualification that told NorthPoint that the loop was copper. Therefore NorthPoint moved forward and explained to the customer that they would be qualified for a high-speed SDSL service. SWBT failed to deliver the three circuits on their respective due dates. In each case NorthPoint contacted SWBT to inquire as to the status of the order. Only at that point did SWBT inform NorthPoint that these end users were served by fiber and not copper. After waiting so long to get service, two of these customers canceled their orders when they found out that NorthPoint would only be able to provide low speed IDSL service due to the fiber limitations. SWBT's only explanation

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without requiring Southwestern Bell to reject the loop. See, Chapman ¶42 and

of these instances was that their database records are sometimes faulty and that the technician is dispatched only to find out the type of facilities in the field on the installation date.

15. A general example of how difficult the process can be, and that any mistake delays loop orders is NorthPoint Purchase Order Number W32469 (C196271DL in Dallas). The LSR went to SWBT on 11/16/99. NorthPoint received loop qualification on 11/23/99, which advised NorthPoint that the loop has excessive bridge tap. NorthPoint authorized the conditioning to remove the bridge tap on the same day, however NorthPoint did not receive a FOC until 11/29, much longer than 24 hours after loop qualification. Despite having sent NorthPoint a Firm Order confirmation, on 12/3 SWBT placed the order in jeopardy for no facilities. This jeopardy is contradictory to SWBT's original claim that the loop needed conditioning. NorthPoint contacted the Local Service Center to inquire about the status of facilities for this order. The Local Service Center explained that the problem was a lack of non-loaded copper pairs. Although NorthPoint received a loop on January 7, SWBT never explained what happened to the facility that existed initially that needed bridge tap removed. Clearly, this confusion resulted in an unacceptable delay of over a month and a half.

16. These situations are impossible to explain to end users and only cause the end user to question NorthPoint's ability to provision DSL.

SWBT Often Misses its Loop Installation Intervals

17. SWBT often misses its standard intervals including the 5-7-business day loop installation and the 3-5 day installation interval for loop qualification, sometimes not

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Attachment 1to this Affidavit.

providing loop makeup data at all. These missed intervals can range from one or two days, to several weeks. Occasionally, NorthPoint won't receive any loop qualification information back unless NorthPoint's provisioners repeatedly call SWBT's Local Service Center. These misses can also cause delay in NorthPoint's receipt of the Firm Order Confirmation and installation due date since it is SWBT's policy to not return that until 24 hours after loop qualification is complete.

18. NorthPoint Purchase Order Number W45830, demonstrates this point. Purchase Order Number W45830 (Carrier Order Number C040317DL - Dallas), was sent to SWBT on 12/7/99. NorthPoint did not receive a loop qualification within the standard 3-5 business days, and in fact, NorthPoint did not know there was a problem with the order until NorthPoint received notice in LEX that the order had been rejected because the loop was too long. NorthPoint contacted the SWBT Local Service Center to inquire about the missing loop qualification, to determine exactly why the order had been rejected. SWBT did not send the loop qualification until 12/20/99. Essentially, under the standard interval, this order should have been provisioned in the time it took to receive the loop qualification information. In fact, this order was not completed with provisioning until January 26, 2000.

19. Another example is NorthPoint Purchase Order Number W43173, (Carrier Order Number C040282 - Houston). NorthPoint submitted an LSR on 12/10/99. NorthPoint received a FOC on 12/16/99. The FOC indicated a due date of 12/22/99. However, when NorthPoint dispatched a technician on 12/27 to the end user premises to complete inside wiring work, the technician discovered that the circuit had not been delivered. By 12/29 NorthPoint had to call the SWBT Local Operations Center to get

status on the loop delivery. The loop was not completed by SWBT until 1/4/00, almost a month after NorthPoint ordered the circuit.

20. The manual nature of the loop qualification process may, at least in part, be to blame for the slow turnaround time. A competitively sensitive problem that arises as a result of the manual process, and the human error that it introduces, is when NorthPoint receives a different carrier's loop qualification. A recent example of this is Purchase Order Number 112319 where NorthPoint received a copy of a Covad loop qualification on 12/28/99. Obviously this situation, which is not an isolated incident, causes NorthPoint to be concerned that other carriers are receiving its sensitive customer data.

21. NorthPoint's provisioners rely on receiving both the loop qualification and firm order confirmation in a timely manner to continue the next steps in the loop ordering process and to communicate with our sales team and account managers so they can provide more information to the end user customer. Delays in these crucial points of the ordering process make it very difficult for NorthPoint to properly track and process the orders.

22. SWBT also does not consistently meet its 5-7 day or 15 day provisioning intervals. This is usually due to problems with the loop, such as no facilities or broken facilities. But NorthPoint Purchase Order Number W38601 is a particularly frustrating example of how the complex and cumbersome process set by SWBT causes problems. NorthPoint sent an LSR on 12/10. On 12/13 SWBT rejected the loop order because of "Loop Length & Load Coils." NorthPoint resubmitted the order to remove load coils and received a FOC for the order on 12/13. However, the loop had not been provisioned as

of 1/11 and when the NorthPoint provisioner called SWBT Local Service Center for status on the order, the Local Service Center replied that the service rep failed to notify engineering of the load coil removal request. The order was not provisioned until 1/20/00, well over a month after NorthPoint's initial request.

23. NorthPoint finds that once SWBT has missed its initial interval, and it no longer has the incentive to meet its performance interval, it takes SWBT a long time to close out these problem loop orders. In particular, NorthPoint has a very difficult time provisioning loops carrying IDSL. Ironically, IDSL can ride over either copper or fiber, which should make the provisioning process easier, but there are still serious problems with SWBT's ability to condition a loop so that NorthPoint can offer its full speed IDSL service. There are some types of digital loop carrier technologies that interfere with full-rate IDSL, include one NorthPoint has encountered frequently in Texas called DISCUS. While SWBT has agreed to work with NorthPoint to find an interim workaround solution, they are requiring that NorthPoint go through a request process for a new loop. (See attachment 1 to this Affidavit.)

NorthPoint's orders are often rejected for invalid reasons including typographical errors due to the manual nature of the ordering process, erroneous determinations that a loop is served only on fiber and SWBT-specific criteria such as loop length.

24. Because SWBT service representatives must manually re-key NorthPoint's orders into its SORD system, the orders can contain typographical errors. These errors can cause NorthPoint's orders to be rejected, forcing NorthPoint to fix SWBT data errors and resubmit the orders. This unnecessary step could be avoided if

NorthPoint's DSL orders "flowed through" into SWBT's provisioning systems.[5] Obviously these errors cause delay in NorthPoint's ability to serve the customer, but it also makes it difficult for NorthPoint provisioners to keep track of the orders and difficult for NorthPoint to keep track of SWBT's performance measurements in light of the constantly rejected LSRs that cause the performance measurement clock to stop.

25. These errors can cause significant delays in provisioning NorthPoint's loop orders. For example, NorthPoint submitted Purchase Order Number W45409 (Carrier Order Number C040286HO - Houston), to SWBT on 12/7/99. NorthPoint did not receive the FOC until 12/29/99, 16 business days later. The installation date was scheduled for a month after the order was originally submitted, 1/4/00. The loop was not installed on that date and NorthPoint called for the SWBT Local Service Center for status on loop delivery. At first, Southwestern Bell could not find anything wrong with this order, but upon further investigation, SWBT then discovered that the SORD order types by the SWBT service representative had incorrect information in one of the LSR fields. The field was typed correctly on NorthPoint's original LSR. Unfortunately, as of 1/27/00 this order is still pending due to this issue.

26. Even once an LSR is accepted by SWBT, the loop qualification process can cause rejects. As discussed above, some rejects are due to data integrity errors. However, other rejects are designed into the system. For example, SWBT makes unilateral determinations whether a loop was too long to handle the type of DSL service

[5] In the Affidavit of Elizabeth Ham, at paragraphs 126 and 215, Ms. Ham refers to "flow through" for DSL-capable loops. However, this improvement is limited to ADSL-capable loops only. See Ham ¶215 and Attachment DD, Accessible Letter CLECSS99-117, September 7, 1999. There is no operational reason why other DSL types of orders,

NorthPoint will put on the loop, using ADSL standards and draft T1E1.4 PSD mask guidelines. If, in SWBT's estimate, the loop was too long, it would reject the loop order, forcing NorthPoint to supplement the order to provision the loop to the end user.

27. Orders may also be rejected when it has been delayed after loop qualification because the loop qualification data has "expired." If, for any reason, the order sits idle for longer than 20 days after the loop qualification is performed, SWBT rejects the loop order because the loop qualification has been deemed to "expire." Chapman at ¶39. As the above examples demonstrate, it is not unusual for an order to take longer than 20 days after loop qualification is performed. This forces NorthPoint, and NorthPoint's customer, to wait at least an additional 8-12 business days for loop qualification to be performed again and for the loop to be provisioned.

SWBT unilaterally changes the installation date on NorthPoint loop orders without NorthPoint approval or notifying NorthPoint.

28. Once SWBT returns a Firm Order Confirmation with an installation date, NorthPoint will enter that date into its systems. NorthPoint relies on the SWBT Firm Order Confirmation due date to communicate certain intervals and deadlines for installing the customer's DSL service. For example, on the day before the due date the SWBT technician will go to the end user premises to install the loop. NorthPoint must coordinate with the end user to ensure the SWBT technician has access. Also, NorthPoint's technicians must be prepared to do remote testing of the loop on the due date. NorthPoint must also schedule its own technicians to go to the end user premises

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including NorthPoint's SDSL service, should not be included in the flow through process, as long as the loop length was under 12 Kft.

soon after the due date to finish the installation. Therefore, this due date is crucial for NorthPoint's processes.

29. However, as with much in this process, NorthPoint cannot always rely on this Firm Order Confirmation installation date because SWBT can unilaterally change this date, without informing NorthPoint. Indeed, NorthPoint only discovers this change when either an end user calls to say SWBT missed its appointment or if NorthPoint attempts to test the loop to verify installation and is unsuccessful. It is at this point NorthPoint provisioners must call the SWBT Local Service Center for a new installation date.[6]

30. A good example of this practice is NorthPoint Purchase Order Number W42553 (Carrier Order Number C040320 - Dallas) which NorthPoint submitted to SWBT 12/20/99. NorthPoint received the FOC on 12/28/99 with a due date of 1/3/00. On 1/5/00 when NorthPoint attempted to test the circuit, NorthPoint discovered that the circuit had not been installed. As SWBT did not provide NorthPoint any proactive notification of a due date miss, NorthPoint had to call into SWBT's Local Operations Center (LOC) for status on the loop's delivery. The SWBT representative told the NorthPoint provisioner that the due date was changed to 1/10/00. At the time, SWBT could not provide any reason for change. On 1/11/00, when NorthPoint called SWBT for a status on the order, SWBT once again changed its information to claim that there were no facilities — although NorthPoint received a loop makeup on some loop two weeks before hand — and that SWBT did not know when the problem would be cleared.

[6] Invariably, the due change will put the loop order outside of the standard intervals. Without officially changing the FOC date, it is unclear if this due date change is being recorded for performance measurement purposes.

NorthPoint escalated the order. On 1/20, SWBT changed its story yet again to say that the LSR, submitted a month before, had incorrect information in one of the fields. In light of this error, NorthPoint had to supplement the order. SWBT provided a new installation date of 1/24, but SWBT was three days late and the loop was actually installed on January 27.

31. This often times random change, seriously disrupts NorthPoint's customer relationship. When SWBT changes the due date for its internal processes, but does not communicate that change to NorthPoint, the entire chain of events discussed above is affected.

The Current System is Incapable of Meeting Current or Reasonably Foreseeable Future Demand.

32. Despite the fact that NorthPoint has been offering DSL in Texas since the end of 1998, it has only a modest amount of end users and due to the manual, cumbersome process fraught with errors. This process cannot possible be anticipated to scale sufficiently to meet increased order volume from DSL CLECs, including NorthPoint. For example, in working with our provisioners, I know that almost 20% of NorthPoint's DSL-capable loop orders submitted to SWBT in October and November 1999 have not yet been provisioned as of January 27, 2000. This means that almost 20% of NorthPoint's end users are still waiting, more than eight weeks later, for DSL service.

33. I have reviewed the conclusions in the Dysart Affidavit that SWBT has met its benchmarks for 92% of its performance measurements. Dysart¶79. Mr. Dysart also suggests that he has strong evidence that SWBT has opened local markets to competition in Texas and provided parity or benchmark performance the vast majority of the time, thereby giving CLECs a meaningful opportunity to compete. Dysart ¶¶5,12.

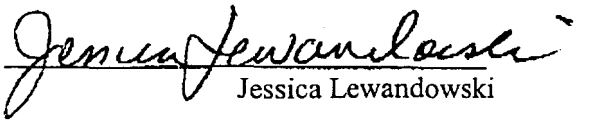
Based on my information and experience, his conclusions could not include DSL-capable loops. Indeed, both Mr. Dysart and Ms. Chapman overstate SWBT's ability to provision DSL-capable loops, especially at any commercially reasonable volumes.

34. NorthPoint has brought many of its concerns to SWBT's attention. I filed an affidavit in the Texas 271 proceeding covering many of these same issues. NorthPoint has had many meetings with SWBT to try to resolve these problems, but these have yet to yield meaningful improvements in provisioning. To attempt to move the process forward, NorthPoint recently sent a letter to SWBT, recounting the process improvements scheduled to be made. (See attachment 1). To date, SWBT's response has been limited to creating new teams and processes with no clear commitment to improve results. (See Attachment 2). Many of the process changes listed in NorthPoint's letter are very similar to points made by Ms. Chapman in her affidavit supporting SWBT's application for 271 authority. Even when these policies are "implemented," it has been my experience that SWBT takes inadequate care to ensure that the new processes are sufficiently socialized in the provisioning centers to ensure that they are utilized effectively and consistently. As a result, new "policies" that promise improvements do not translate into improved results.

35. NorthPoint looks forward to working with SWBT to correct these issues and improve the process.

36. I declare under penalty of perjury of the laws of the State of California and the United States of America that the foregoing is true and correct.

DATED: January 31, 2000.



Jessica Lewandowski

ATTACHMENT 1

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NorthPoint

NorthPoint Communications

January 18, 1999

Clarence Johnson
SBC Communications, Inc.
4 Bell Plaza
Dallas, TX 75202

Dear Clarence:

NorthPoint met with Southwestern Bell on September 23, 1999 to begin implementation of the Interim agreement for DSL Capable loops and has been ordering DSL Capable loops since mid-October 1999. As I think both companies will agree, the implementation process for the DSL Capable loop has not been a smooth one. Throughout the process, NorthPoint has discussed several issues and possible solutions to these issues with Southwestern Bell. In light of Bryan Kelly's recent departure, I thought it would be important to document the discussions we've had to date and the commitments that Southwestern Bell has made to improve the DSL Capable ordering process. Next to each commitment I have noted the date of the conversation when the issue was discussed.

NorthPoint raised concerns about the cumbersome and complicated nature of the loop ordering process which tend to result in unnecessary LSR rejects and delays in the ordering process. In response, SWBT made the following commitments:

- NPC could implement the "green to go" clause if we negotiate the language into our contract. Under this process, any loop that is designated "green" in Southwestern Bell's PreQual Tool will be provisioned without waiting the time for the loop qualification. The loop will be provisioned with a 5 day due date and FOCs will be delivered within 5 hours of a complete and accurate LSR. (11/8 & 12/30) (An open issue is how NPC will receive loop makeup information under this scenario.)
- NPC could put a "Spec Code" on the LSR indicating that NPC will accept a loop even if it doesn't meet SWBT's criteria for the designated PSD mask, thereby preventing SWBT from rejecting the LSR back to NPC for a supplement. (12/2) With this SPEC Code process, the only reason that NorthPoint should be denied a loop is for pairgain/no copper facilities. (12/10)
- NPC can supplement an order for a new PSD mask before the FOC is issued, instead of having to cancel and reorder. (12/10)
- SWBT has also agreed to not reject a loop due to loop qualification expiration if the delay that caused the expiration is due to a SWBT error.

NorthPoint also complained about the failure of SWBT to properly staff its support centers thereby resulting in delays on ordering acceptance and processing, forcing NorthPoint to constantly retrain new SWBT personnel and disrupting the good working relationship of our two groups. SWBT agreed to the following:

- LSC is getting 20 new service reps who will be trained and in center in Jan. (12/10)

- A new 2nd level manager has been assigned in the LSC who only handles DSL loops instead of all UNE. (12/10)

One of NorthPoint's repeated concerns focuses on the long provisioning intervals and SWBT's failure to meet even those intervals. SWBT mentioned the following changes to intervals:

- NPC can request an expedite by putting a "y" in the expedite field and a DDD, instead of having to request a regular interval for an expedite. (12/10)
- Loop qual interval is now 3 days vs. 3-5 (12/30)
- Provisioning interval (without conditioning) is 5 days vs. 5-7 (12/30)
- If an order is not yet accessed by the SWBT technician, NPC can supp for a new due date with a 3 day interval instead of 5-7. (12/30)

As you are aware, NorthPoint's IDSL loop orders have been provisioned in such a way to prevent NorthPoint from offering a full speed IDSL product to its end users or, in some cases, NorthPoint has not been able to offer any service. During a conference on January 7, SWBT committed to the following:

- SWBT agreed to accept a request for a new loop type to be specifically IDSL instead of ISDN to be developed outside of the cumbersome and lengthy BFR process. (1/7) Additionally, on an interim basis, if the loop is not working for IDSL, SWBT agreed to do a workaround to reconfigure ISDN loops that are on pairgain to work for IDSL at the acceptance test

On a final operational note, NorthPoint would like a clarification on the updated DSL matrix (revised 12/30/99) that you forwarded to us on January 4. Upon review of the matrix, we were surprised to note that the "Qualification Loop Length" column remains on the chart. It is NorthPoint's understanding that SWBT can only require PSD mask identification on NorthPoint loop orders for inventory purposes, which would mean the concepts of "qualification" and limitations on loop types would be irrelevant. Please confirm that the information on this chart will not be used by SWBT provisioners to "qualify" or reject NorthPoint orders.

During these discussions, NorthPoint has appreciated SWBT's candor and willingness to recognize problems with its process. For example, on December 2 and then again on December 10, SWBT acknowledged problems with delays on their part at all points in the provisioning process, including loop qualification and FOC returns and made commitments to fix those problems.

Please provide Southwestern Bell's detailed plan and timeline for improvement in the areas indicated above by January 27th. 2000. Contact me at your earliest convenience so we discuss a way that NorthPoint can participate in this process. Thanks.

Sincerely,

/S/
Jessica Lewandowski

LEC Relations, Senior Manager

Cc:
Jack Frith,
Kathy Miller, LSC Director,
Terry Hoeven, LOC 2nd line

ATTACHMENT 2

Clarence L. Johnson, Jr.
Account Manager-
Local Provider Account Team

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Southwestern Bell

January 28, 2000

Jessica Lewandowski
North Point Communications
303 Second Street, South Tower
San Francisco, California 94107

Dear Jessica,

This letter is to confirm receipt of your letter dated January 18, 1999. SBC is concerned that your experience in ordering DSL capable loops has not been a smooth one, and is very interested in working with North Point to address these issues. In this instance, North Point has provided documentation to SBC outlining this experience.

SBC has formed an ad hoc, cross-functional task team to work North Point, and is working diligently, as is the rest of the industry, on ways of improving this process. As SBC identifies any necessary system or process changes, North Point will be notified.

We appreciate the exchange of information to aid in maintaining a cooperative business relationship with North Point. SBC is committed to continually improve our service to North Point in support of its customers.

Thank you for your involvement and support.

Sincerely,

Clarence Johnson
Account Manager – SBC Industry Markets